

### **REMARKS**

Applicants respectfully request further examination and reconsideration in view of the arguments set forth fully below. Claims 1-27 were previously pending in this Application. Within the Office Action, Claims 1-27 have been rejected. By the above amendment, Claims 1, 12, 13, 23 and 27 have been amended, Claims 3, 15 and 26 have been canceled and new Claims 28 and 29 have been added. Accordingly, Claims 1, 2, 4-14, 16-25 and 27-29 are now pending in the application.

#### **Rejections Under 35 U.S.C. § 103**

Within the Office Action, Claims 1-27 have been rejected under 35 U.S.C. § 103(a) as being unpatentable in view of U.S. Patent Application Publication No. 2002/0013852 to Janik (hereinafter "Janik") in view of "Exploiting User Behaviour in Prefetching WWW Documents, 1998 by El-Saddik (hereinafter "El-Saddik"). The Applicants respectfully disagree.

Janik teaches a system for providing content, management, and interactivity for thin client devices. Janik teaches a capability for determining and aggregating the content objects presented to a specific user on content selection web pages which is derived from content preference selections provided by the user. [Janik, ¶ 0082] Janik further teaches time-based automation of the accessing, caching and streaming of content from the Internet at times prescribed by the user or at times derived by direction given by the user through the GUI content editors. [Janik, ¶ 0105] As is recognized within the Office Action, Janik does not teach *prefetching* audio/visual content based on a preference corresponding to a user. Janik also does not teach detecting an activity. Janik also does not teach setting a prefetch parameter based on the detected activity.

Janik, paragraph 82, is cited as teaching detecting an activity with a user selecting preferences as the activity. [Office Action, Page 6] The same section of Janik is cited as setting a prefetch parameter based on the detected activity. Applicants respectfully disagree with both of these contentions, since a user setting preferences is not detecting an activity, and the cited section of Janik does not teach setting a prefetch parameter based on the detected activity.

In contrast, the Present Specification describes detecting an activity:

In Block 810, the activity of the user is detected. For example, the frequency in which a user scrolls through the display windows, the frequency in which the user changes audio/visual content selections, and the frequency in which the user selects particular audio/visual content selection are measured. [Present Specification, page 19, lines 19-22 and accompanying Figure 8]

Furthermore, the Present Specification also further describes setting parameters for the prefetching function:

In Block 830, parameters are set for the prefetching function. For example, parameters for the prefetching function include the range in which the audio/visual content is prefetched, the frequency in which prefetching occurs, and the sensitivity in responding to user activity. [Present Specification, page 20, lines 16-19 and the accompanying Figure 8]

Therefore, Janik does not teach either detecting an activity or setting a prefetch parameter based on the detected activity.

Janik, paragraph 165, is cited as teaching setting a prefetch parameter for a frequency of prefetching in response to the preference. Again, Janik teaches nothing of *prefetching*, thus, Janik inherently does not teach setting a prefetch parameter for a frequency of prefetching. Unlike Janik, the Present Specification describes the frequency of updating the prefetch operation is able to depend on detecting new user activity or at a specified interval. [Present Specification, page 21, lines 3-5]

El-Saddik teaches a method of prefetching documents on the Internet by parsing the HTML of web pages a user browses, identifying links to other web pages and putting the words describing the links into a weighted keyword list. [El-Saddik, Abstract] However, El-Saddik does not teach detecting an activity. El-Saddik also does not teach setting a prefetch parameter based on the detected activity.

Additionally, the combination of Janik and El-Saddik is improper. One of ordinary skill in the art would have no motivation to combine the teachings of Janik and El-Saddik. Janik teaches time-based automation of accessing, caching and streaming of content. El-Saddik teaches prefetching based on the words describing links on webpages. Since Janik is time-based, one would have no need to prefetch items. Using the teachings of Janik, the set time for accessing the items simply would be modified. By combining the teachings of Janik and El-Saddik would completely change the principle of operation of Janik. Therefore, the combination of Janik and El-Saddik is improper.

In contrast to the teachings of Janik, El-Saddik and their combination, the methods and apparatus described within the present application, organize audio/visual content and *prefetch* selected audio/visual content configured to be displayed to a user. A presentation layer takes into account the preferences and use patterns of a user. [Present Specification, page 8, lines 17-20] In one embodiment, audio/visual content is pre-sorted according to the use patterns of the user. [Present Specification, page 8, lines 20-21] In another embodiment, the audio/visual content is

*pre-fetched* according to the use patterns of the user. [Present Specification, page 8, lines 21-22] As described above, Janik, El-Saddik and their combination do not teach detecting an activity. Janik, El-Saddik and their combination also do not teach setting a prefetch parameter based on the detected activity. Furthermore, Janik, El-Saddik and their combination do not teach setting a prefetch parameter for a frequency of prefetching in response to the preference.

The independent Claim 1 is directed to a method comprising identifying a preference corresponding to a user, detecting a current display window, *prefetching* at least one audio/visual content in response to the current display window and the preference and setting a prefetch parameter for a frequency of prefetching in response to the preference. As described above, the combination of Janik and El-Saddik is improper. As also described above, Janik, El-Saddik and their combination do not teach setting a prefetch parameter for a frequency of prefetching in response to the preference. For at least these reasons, the independent Claim 1 is allowable over the teachings of Janik, El-Saddik and their combination.

Claim 3 has been canceled by the above amendment. Claims 2 and 4-11 are all dependent on the independent Claim 1. As described above, the independent Claim 1 is allowable over the teachings of Janik, Saddik and their combination. Accordingly, Claims 2 and 4-11 are all also allowable as being dependent on an allowable base claim.

The independent Claim 12 is directed to a system comprising means for identifying a preference, means for organizing audio/visual content using a parameter, means for detecting a current display window, means for *prefetching* at least one audio/visual content in response to the current display window and the preference and means for setting a prefetch parameter for a frequency of prefetching in response to the preference. As described above, the combination of Janik and El-Saddik is improper. As also described above, Janik, El-Saddik and their combination do not teach setting a prefetch parameter for a frequency of prefetching in response to the preference. For at least these reasons, the independent Claim 12 is allowable over the teachings of Janik, El-Saddik and their combination.

The independent Claim 13 is directed to a method comprising detecting an activity, setting a prefetch parameter based on the detected activity, wherein the prefetch parameter includes a frequency of prefetching, detecting a current display window and *prefetching* a content item based on the prefetch parameter and the current display window. As described above, the combination of Janik and El-Saddik is improper. Even if considered proper, Janik, El-Saddik and their combination do not teach detecting an activity. As also described above, Janik, El-Saddik and their combination also do not teach setting a prefetch parameter based on the detected activity. Further, Janik, El-Saddik and their combination do not teach setting a prefetch

parameter for a frequency of prefetching in response to the preference. For at least these reasons, the independent Claim 13 is allowable over the teachings of Janik, El-Saddik and their combination.

Claim 15 has been canceled by the above amendment. Claims 14 and 16-22 are all dependent on the independent Claim 13. As described above, the independent Claim 13 is allowable over the teachings of Janik. Accordingly, Claims 14 and 16-22 are all also allowable as being dependent on an allowable base claim.

The independent Claim 23 is directed to a system comprising a media container configured for storing an audio/visual content item, a prefetch buffer configured for temporarily storing a *prefetched* audio/visual content item and a presentation layer configured for transmitting the *prefetched* audio/visual content item to the prefetch buffer based on a user's preference and a current display window, wherein the presentation layer transmits the *prefetched* audio/visual content item based on a preset frequency of prefetching. As described above, the combination of Janik and El-Saddik is improper. As also described above, Janik, El-Saddik and their combination do not teach setting a prefetch parameter for a frequency of prefetching in response to the preference. For at least these reasons, the independent Claim 23 is allowable over the teachings of Janik, Saddik and their combination.

Claim 26 has been canceled by the above amendment. Claims 24 and 25 are both dependent on the independent Claim 23. As described above, the independent Claim 23 is allowable over the teachings of Janik, Saddik and their combination. Accordingly, Claims 24 and 25 are both also allowable as being dependent on an allowable base claim.

The independent Claim 27 is directed to a method. The method of Claim 27 comprises detecting an activity, setting a prefetch parameter based on the detected activity, wherein the prefetch parameter includes a frequency of prefetching, detecting a current display window and prefetching a content item based on the prefetch parameter and the current display window at any time and in response to the detected activity. As described above, the combination of Janik and El-Saddik is improper. Even if considered proper, Janik, El-Saddik and their combination do not teach detecting an activity. As also described above, Janik, El-Saddik and their combination also do not teach setting a prefetch parameter based on the detected activity. Further, Janik, El-Saddik and their combination do not teach setting a prefetch parameter for a frequency of prefetching in response to the preference. For at least these reasons, the independent Claim 27 is allowable over the teachings of Janik, El-Saddik and their combination.

**New Claims**

Claims 28 and 29 are dependent on the independent Claim 1. As described above, the independent Claim 1 is allowable over the teachings of Janik, Saddik and their combination. Accordingly, Claims 28 and 29 are both also allowable as being dependent on an allowable base claim.

Furthermore, Claim 28 further specifies that the audio/visual content is organized according to use patterns of the user. Janik, Saddik and their combination do not teach wherein the audio/visual content is organized according to use patterns of the user. For at least these additional reasons, the dependent Claim 28 is allowable over the teachings of Janik, El-Saddik and their combination.

Claim 29 further specifies that the audio/visual content utilized more frequently is stored in a more quickly accessible location. Janik, Saddik and their combination do not teach wherein the audio/visual content utilized more frequently is stored in a more quickly accessible location. For at least these additional reasons, the dependent Claim 29 is allowable over the teachings of Janik, El-Saddik and their combination.

For the reasons given above, the applicant respectfully submits that the claims are now in a condition for allowance, and allowance at an early date would be appreciated. Should the Examiner have any questions or comments, they are encouraged to call the undersigned at (408) 530-9700 to discuss the same so that any outstanding issues can be expeditiously resolved.

Respectfully submitted,  
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